

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
R/S Berrymans Lane, 300 ft. N
of c/l Church Road
1011 Berrymans Lane
4th Election District
3rd Councilmanic District
Elias Rizakos, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Elias Rizakos and Vula Rizakos, for that property known as 1011 Berrymans Lane in the Churchberry section of Baltimore County. The Petitioners herein seek a variance from Section 1A04.3.B.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 43 ft. lot line setback in lieu of the required 50 ft., for an attached garage, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of April, 1993 that the Petition for a Zoning Variance from Section 1A04.3.B.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 43 ft. lot line setback in lieu of the required 50 ft., for an attached garage, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this order has expired. If, for whatever reason, this order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated April 7, attached hereto and made a part thereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 21, 1993

Mr. and Mrs. Elias Rizakos
1011 Berrymans Lane
Reisterstown, Maryland 21136

RE: Petition for Administrative Variance
Case No. 93-310-A
1011 Berrymans Lane

Dear Mr. and Mrs. Rizakos:

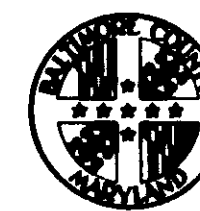
Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3991.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mm
encl.



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 1011 Berrymans Lane

which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.5 (1A00.3.B.3., R.D.P., 1970) To permit a 43 ft lot line setback in lieu of 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
I wish to build a 24 foot wide car garage attached to the existing garage. Due to the existing side yard restriction of 50 feet the garage would intrude over the boundary by 7 feet. This is the only logical place that we can build the garage. Therefore we need the Variance.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

When do you intend to declare and affirm, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition?
(Legal Owner(s))
(Type or Print Name) ME ELIAS RIZAKOS
Signature [Signature]
(Type or Print Name) Mrs. Vula Rizakos
Signature [Signature]
City State Zipcode
Address
City State Zipcode
Name Address and phone number of representative to be contacted
Name Address and phone number of representative to be contacted
City State Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be, for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: [Signature] DATE: 4/15/93

ESTIMATED POSTING DATE: 4/15/93

ITEM #: 314

Affidavit in support of
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) have competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1011 BERRYMANS LN

REISTERSTOWN MD 21136

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

I wish to build a 24 foot wide car garage attached to the existing garage. Due to the existing side yard restriction of 50 feet the garage would intrude over the boundary by 7 feet. This is the only logical place that we can build the garage. Therefore we need the Variance.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

ELIAS RIZAKOS
VULA RIZAKOS

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9 day of March, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3/9/93

My Commission Expires:

DAPHNE A. DRESHER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 26, 1998

93-310-A
Beginning on the east side of Berrymans Lane, 70 feet wide, at the distance of 300 feet north of the centerline of Church Road. Recorded as Lot 5 in the subdivision of "Churchberry", Plat Book E.H.K. Jr. 36 / 137. Also Known as 1011 Berrymans Lane containing 1.39 acres in the 4th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: 4/2/93

Posted for: Variance

Petitioner: Elias & Vula Rizakos

Location of property: 1011 Berrymans Lane (1011) 200 ft. N of Church Rd

Location of Sign: Facing East Way on property of Petitioner

Remarks: [Signature]

Posted by: [Signature] Date of return: 4/6/93

Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

93-310-A

receipt

Account: R-001-6186

Date

Number

Please Make Checks Payable To: Baltimore County

\$85.00

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

MARCH 25, 1993

(410) 887-3353

Elias and Vula Rizakos

1011 Berrymans Lane

Reisterstown, Maryland 21136

Re: CASE NUMBER: 93-310-A (Item 314)

R/S Berrymans Lane, 300' N of c/l Church Road

1011 Berrymans Lane

4th Election District - 3rd Councilmanic

Petitioner(s): Elias Rizakos and Vula Rizakos

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 4, 1993. The closing date (April 19, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

[Signature]

Arnold Jablon

Director

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 12, 1993

Mr. and Mrs. Elias Rizakos
1011 Berrymans Lane
Reisterstown, MD 21136

RE: Case No. 93-310-A, Item No. 314
Petitioner: Elias Rizakos, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Rizakos:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 15, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation
State Highway Administration

93-310-A
4/19/93

3-25-95

Mr. Jule Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. * 314 (MJK)

Dear Mr. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7855 Baltimore Metro - 545-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: April 1, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item No. 308, 314, 317, 322 and 324.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Gary L. Kerns

PK/JL:lw

308.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

April 7, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilsbury
Development Coordinator, DEPRM

SUBJECT: Zoning Item #314
Rizakos Property; 1011 Berrymans Lane
Zoning Advisory Committee Meeting of March 29, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. Development of the property must comply with Baltimore County's Forest Conservation Regulations because this property contains over 60,500 sq. ft. which exceeds the 40,000 sq. ft. minimum requirement. These regulations will require signature of a letter of intent prior to the issuance of a building permit.
2. Field inspection revealed a failing septic system which must be repaired. This will be followed up by Western Regional Community Services of DEPRM. Proposed garage should not interfere with septic repair.

JLP:jbm

RIZAKOS/TXTRMP

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF RECREATION & PARKS

Zoning Advisory Committee Comments
relating to agenda of 3/29/93

The Department of Recreation and Parks submits a reply of "NO COMMENT" for the following item numbers:

* 314, * 315, * 316, * 317, * 319, * 320, * 321, * 322,
* 324

There are no other items on the agenda aside from the above.

Patrick J. McDougall
Master Plan Coordinator

LIBER 9200 PAGE 087

93-310-A

CERTIFICATE OF SATISFACTION

#314

KNOW ALL MEN BY THESE PRESENTS:

THAT MARYLAND NATIONAL BANK does hereby acknowledge that the indebtedness secured by a certain deed of trust/mortgage made by Elias Rizakos & Vula Rizakos dated 6/14/91 and recorded among the Land Records of Baltimore County Maryland, in liber 8844, Folio 629 has been fully paid and discharged, that MARYLAND NATIONAL BANK was, at the time of satisfaction, the holder of the deed of trust/mortgage, and that the lien of the deed of trust/mortgage is hereby released.

WITNESS the hand and seal of the holder of the said deed of trust/mortgage this 6 day of March, 1992

IN WITNESS WHEREOF, the holder of said deed of trust/mortgage has caused this instrument to be executed in its behalf by its agent this 6 day of March, 1992

ATTEST:

MARYLAND NATIONAL BANK FILE 58
BY: Mary St. Jean, Title Clerk
Leslie Overholser, OFFICIAL
BAL7030 CDS R03 114120

STATE OF MARYLAND, COUNTY/CITY OF Howard, TO WIT:

I hereby certify that on this 6 day of March 1992 before me, the subscriber, a Notary Public of the State of Maryland, personally appeared _____ who acknowledged her/himself to be the agent of Maryland National Bank, the holder of the deed of trust/mortgage referred to above and that she executed the foregoing certificate of satisfaction for the purposes therein contained by signing the name of Maryland National Bank as its agent, and that the facts set forth therein are true.

WITNESS my hand and notarial seal.

Notary Public - Janis McLennan
My Commission Expires: 12/01/93

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING RELEASE WAS PREPARED BY MARYLAND NATIONAL BANK.

Mary St. Jean
Title/Title Clerk

MARYLAND NATIONAL BANK
Retail Finance Division
P.O. Box 17068
Baltimore, Maryland 21203-7068

JANUARY 6, 1993

ELIAS RIZAKOS
VULA RIZAKOS
1011 BERRYMAN LN APT 4
REISTERSTOWN MD 21136-6012

93-310-A

Dear _____

We appreciate the opportunity to service your financing needs. Enclosed is the original recorded certificate of satisfaction for the loan you recently paid in full. This document should be retained in the event you wish to sell your property in the future.

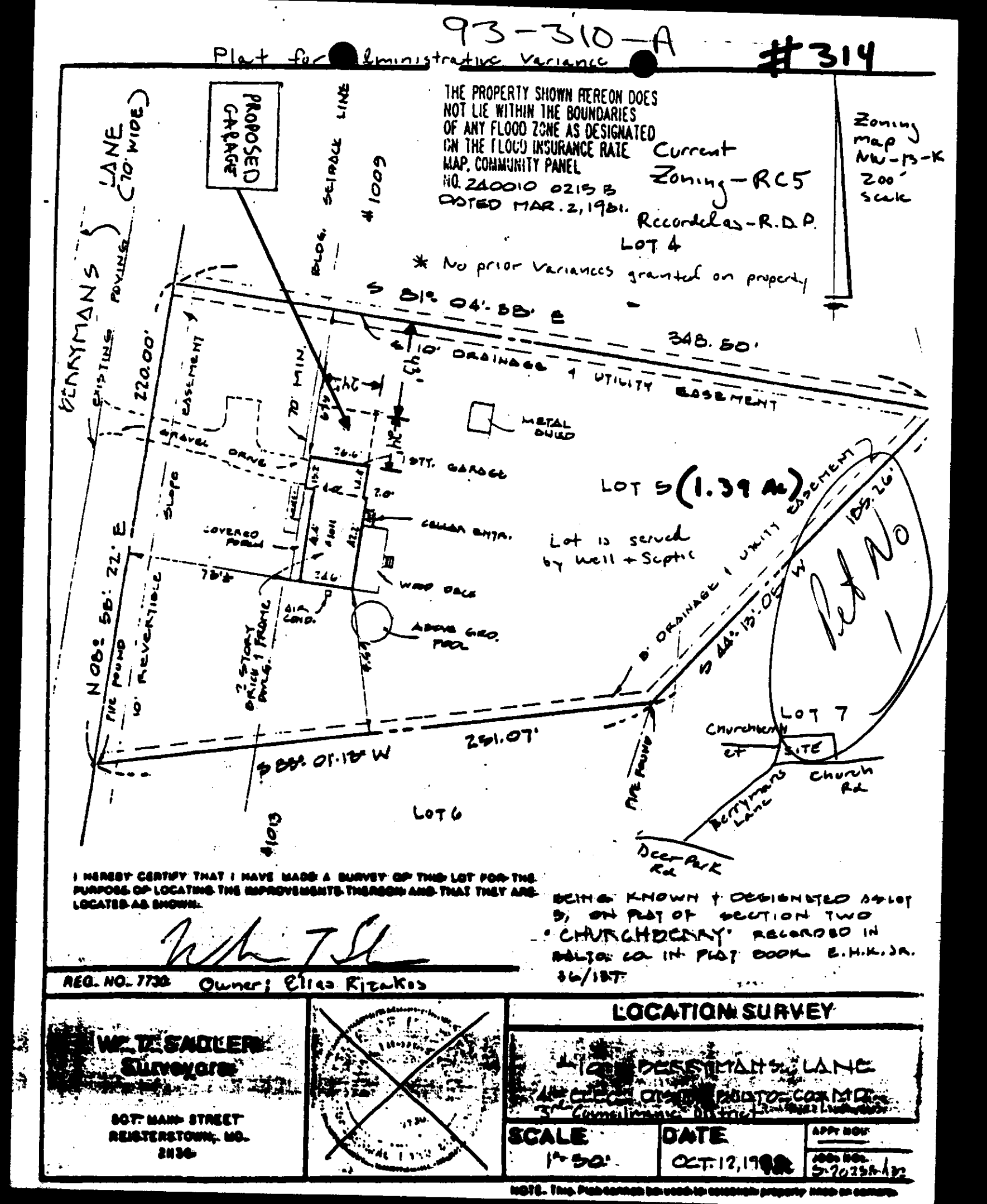
Your patronage is important to us, and we hope you will continue to use our many loan products to meet your borrowing needs. If you have any questions regarding your account, please contact Bankline Customer Satisfaction at (410) 244-6000 or 1-800-492-2265.

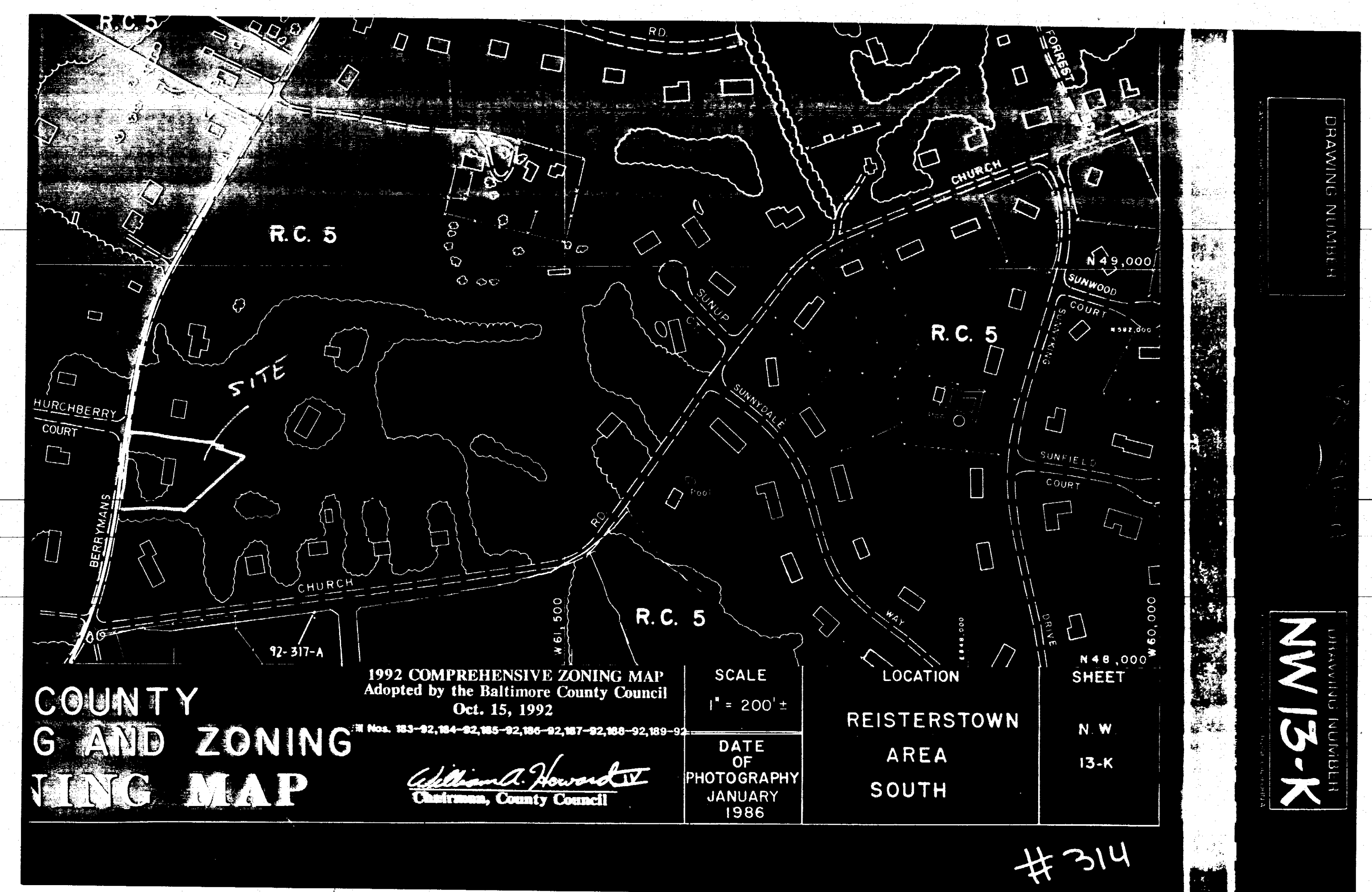
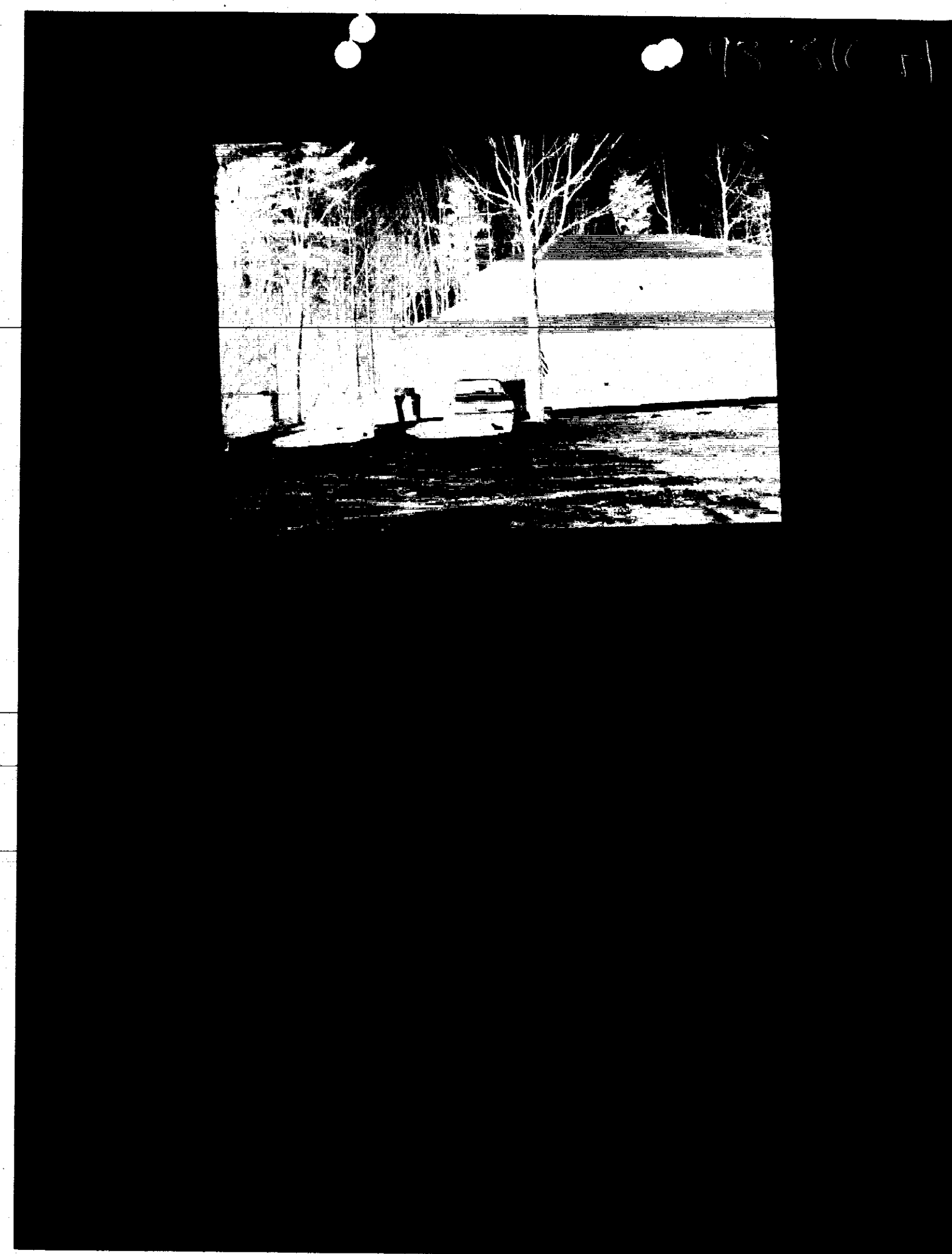
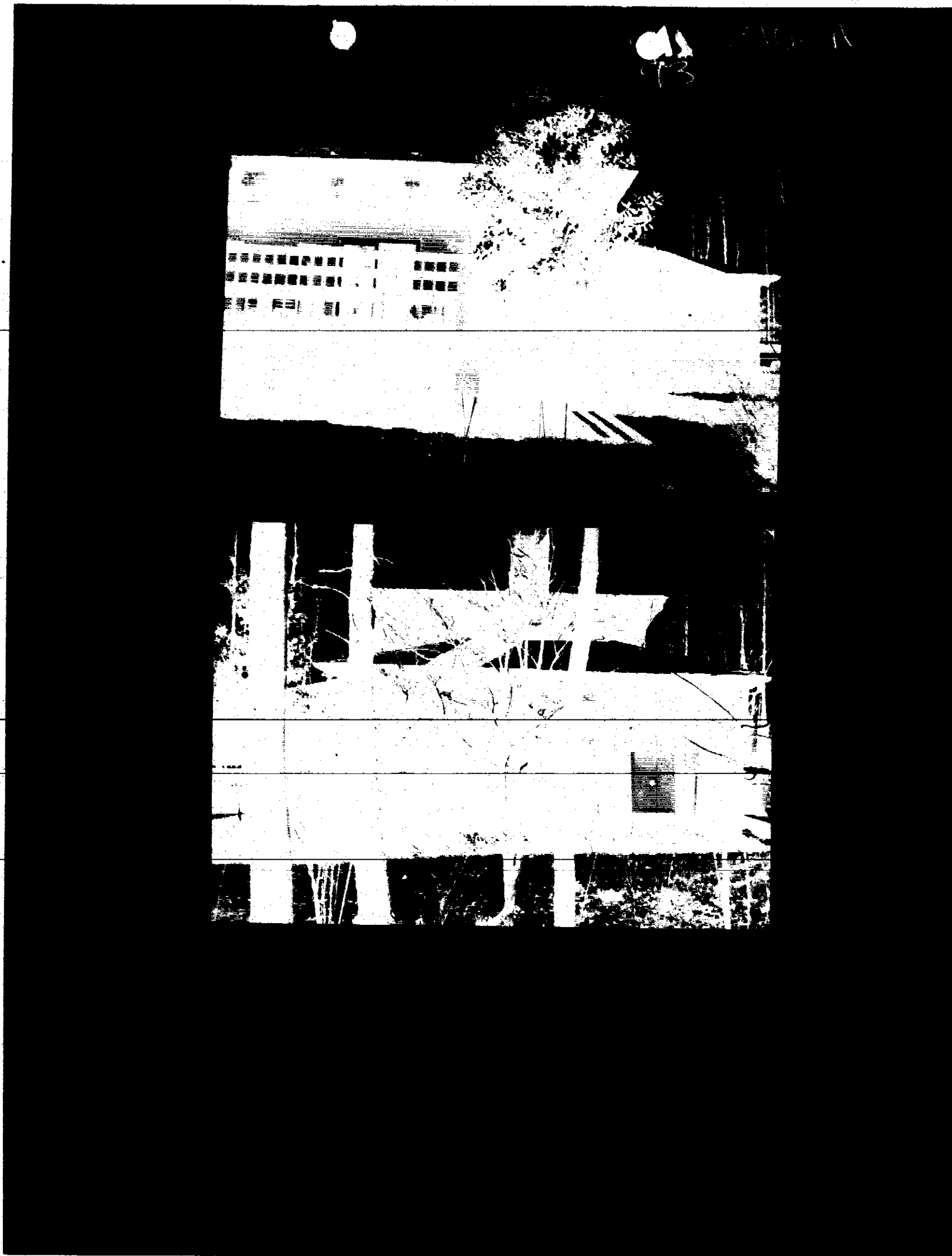
We look forward to serving you in the future.

Sincerely,
Janis McLennan
JANIS MCLENNAN
Closed Loan Representative

Enclosure

MM/LO





DARRELL R. ROBERTSON
4046-545

CHURCHBERRY CT.

BERRYMAN LANE

CHURCH ROAD
OSCAR A. CAMPITELLI
248A-554

RESERVED FOR FUTURE USE

93-310-A

GENERAL NOTES

1. EXISTING ZONING OF TRACT R.D.P.
2. ALL LOTS ARE A MINIMUM OF 43,500 SQ. FT.
3. ALL DWELLINGS HAVE A 60 FT. SIDE & REAR MINIMUM SETBACK.
4. THERE IS A 5 FT. DRAINAGE & UTILITY EASEMENT ALONG THE REAR AND SIDES OF EACH LOT UNLESS OTHERWISE NOTED.

PLAT OF
SECTION TWO
"CHURCHBERRY"

4TH ELECTION DISTRICT BALTIMORE CO., MD.
JUNE 25, 1973

FILED FOR RECORD
Date AUG 1 1973
E.H.K., JR. 36 FOLIO 137

A DEVELOPMENT OF
YALE GORDON
227 CHANCERY RD.
BALTO, MD 21218

CLERK #314

HODKINS ASSOCIATES INC.
305 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

DENSITY CALCULATIONS

GROSS AREA OF TRACT 18.00 AC
AREA OF STREETS & ROADS 1.47 AC
NET AREA OF PROPERTY 11.12 AC
ALLOWABLE NO. OF UNITS / ACRE 1100
PROPOSED NUMBER OF UNITS 1200
RESERVED FOR FUTURE USE AREA 5.413 AC

NOTE: FOR PANHANDLE LOTS, REVERSE COLLECTION SNOW REMOVAL AND MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND THE STREET RIGHT OF WAY LINE ONLY AND NOT ONTO THE PANHANDLE LOT DRIVEWAY.

OWNER'S CERTIFICATE

The requirements of Section 72 B, Article 17 of the Annotated Code of Maryland (Flack 1947 Supplement) as far as they relate to the making of this plat have been complied with.

By *Jal Gordon* 7-9-73
Date

SURVEYOR'S CERTIFICATE

I, Macolm E. Hudkins, a registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of lands known as House Bill 459, Chapter 1016 of the Acts of 1945 and subsequent Acts amendatory thereto.

Reg. No. 5025 Date

| CURVE DATA | | | | | |
|------------|---------|---------|-----------|---------|---------|
| NO. | RADIUS | ARC | Δ | TAN | CHORD |
| 1 | 720.82' | 204.18' | 16°13'47" | 102.75' | 203.50' |
| 2 | 755.82' | 201.65' | 15°17'19" | 101.44' | 201.09' |
| 3 | 562.01' | 74.70' | 07°36'54" | 37.40' | 74.64' |
| 4 | 297.52' | 149.16' | 28°43'07" | 76.18' | 147.61' |
| 5 | 435.51' | 207.08' | 30°05'00" | 154.58' | 201.95' |

NOTE

The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

NOTE: Coordinates and bearings shown hereon are referred to the system of coordinates established by the Baltimore County Metropolitan District and are based on the following traverse station & azimuth:
X-3310 N48°49'12" W62°35'22"
X-3309 ~ X-3310 Az. 08°05'02"

APPROVED FOR BALTO. CO. PLANNING BOARD

DIRECTOR Date

APPROVED *Donald A. Hedding* 8/1/73
County Roads Engineer Date

APPROVED *James H. ...* 8/1/73
Deputy State & County Health Officer Date

VICINITY MAP
Scale: 1"=500'

